


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Sariah Bishop, a minor by her parent and	:	
legal guardian, Azania Muwwakkil and	:	
Azania Muwwakkil, in her own right	:	CIVIL ACTION
	:	
<i>Plaintiffs</i>	:	No. 15-1499
	:	
v.	:	
	:	
KinderCare Learning Centers, LLC	:	
	:	
<i>Defendant</i>	:	

NOTICE OF MOTION

PLEASE TAKE NOTICE that on the \_\_\_\_ day of May, 2015, upon this Notice of Motion and Motion of Voluntary Dismissal without prejudice. Plaintiff Azania Muwwakkil, will move this Court, for the entry of an Order, pursuant to Federal Rules of Civil Procedure 41.

Date: May 18, 2015

  
RHONDA HILL WILSON  
1500 John F. Kennedy Blvd., Suite 820  
Philadelphia, PA 19102

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Sariah Bishop, a minor by her parent and	:	
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	:	
<i>Plaintiffs</i>	:	No. 15-1499
	:	
v.	:	
	:	
KinderCare Learning Centers, LLC	:	
	:	
<i>Defendant</i>	:	
	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2015, upon consideration of Plaintiff's Motion for Voluntary Dismissal Pursuant to F.R.C.P. 41, and any response thereto, it is hereby ORDERED and DECREED that the Plaintiff's Motion is GRANTED and matter is dismissed without prejudice.

\_\_\_\_\_  
J.

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	:	
KinderCare Learning Centers, LLC	:	
	:	
<i>Defendant</i>	:	


Plaintiff Sariah Bishop, a minor and by her parent and legal guardian, moves for leave to file a Motion for Voluntary Dismissal Pursuant to F.R.C.P. 41 without prejudice. In support thereof, Plaintiff avers as follows:

1. Plaintiff filed a Complaint in Civil Action against Defendant in the above matter on or about February 18, 2015 in the Philadelphia Court of Common Pleas.
2. Thereafter, Defendant filed an Entry of Appearance and perfected a jury trial in the Philadelphia Court of Common Pleas on March 3, 2015.
3. On March 3, 2015, Defendant filed Preliminary Objections to the Plaintiff's Complaint in the Philadelphia County Court of Common Pleas.
4. On March 25, 2015, Defendant removed this action to the United States District Court of the Eastern District of Pennsylvania.
5. This matter was assigned to the Honorable Judge Eduardo C. Robreno.
6. This case involves a minor who was born on May 25, 2010 and is alleged to have been injured in a day care center by the filing of the initial complaint.

7. On March 26, 2015 Defendant filed an Answer to Plaintiff's Complaint in this court.
  8. Thereafter, the parties executed a Stipulation to Modify the Caption.
  9. On or about April 7, 2015, Plaintiff filed an Initial Disclosure of Discovery.
  10. On or about April 8, 2015, Plaintiff retained new counsel, Rhonda Hill Wilson, Esquire and after review of the matter, Plaintiff seeks to withdraw this case at this time without prejudice.
  11. Defendant has not expressed any objection to Plaintiff's Counsel since the telephonic initial pretrial conference with the Honorable Thomas J. Rueter on May 12, 2015.
- Wherefore, Plaintiff respectfully requests the court to allow Plaintiff to voluntarily dismiss the case without prejudice pursuant to F.R.C.P. 41.

Respectfully Submitted,

Date: May 18, 2015

  
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	:	
KinderCare Learning Centers, LLC	:	
	:	
<i>Defendant</i>	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of May, 2015, a true and correct copy of the foregoing Entry of Appearance was forwarded to counsel for Defendant via the Court's Electronic Filing System (ECF).

Edward A. Greenberg, Esquire  
Ward Greenberg Heller & Reidy LLP  
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By:   
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